

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

ACDA-05 SAJ-01 SY-05 SCCT-01 /080 W

----- 058185

R 161718Z JUN 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 0789

INFO USMISSION USBERLIN

AMCONSUL BREMEN

AMCONSUL DUSSELDORF

AMCONSUL FRANKFURT

AMCONSUL HAMBURG

AMCONSUL MUNICH

AMCONSUL STUTTGART

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 09672

E.O. 11652: N/A

TAGS: PINT, PINS, GW

SUBJECT: RENEWED DEBATE ABOUT INTERNAL SECURITY IN  
THE FRG

REF: BONN 4240

BEGIN SUMMARY: THE JUNE 12 INTERNAL SECURITY DEBATE IN  
THE BUNDESTAG WAS A REHASH OF EARLIER ARGUMENTS (I.E.,  
THE OPPOSITION ACCUSED THE GOVERNMENT OF SOFTNESS,  
AND THE GOVERNMENT CLAIMED THAT THE OPPOSITION WAS TRY-  
ING TO GIVE THE IMPRESSION THAT THE ENEMIES OF DEMOCRACY  
WERE TO BE FOUND WITHIN THE COALITION RATHER THAN THE  
TERRORISTS THEMSELVES.) ALL PARTIES AGREED THAT CHANGES  
IN THE CRIMINAL CODE ARE NECESSARY BUT THE CDU/CSU WANTS  
EVEN MORE FAR-REACHING CHANGES THAN THE GOVERNMENT.  
THERE ARE NOW FOUR SEPARATE BILLS TO CHANGE THE CRIMINAL  
CODE IN COMMITTEE. THERE REMAINS SOME OPPOSITION, HOW-  
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EVER, WITHIN THE COALITION PARTIES TO THE GOVERNMENT'S

PROPOSED CHANGES, PARTICULARLY THE PROPOSAL TO MONITOR CONVERSATIONS BETWEEN ACCUSED TERRORISTS AND DEFENSE ATTORNEYS IN SPECIAL CASES. THE GOVERNMENT IS UNDER PRESSURE AS THE 1976 NATIONAL ELECTIONS APPROACH TO SHOW THAT IT IS MAKING EFFORTS TO COPE WITH THE PROBLEM OF POLITICAL TERRORISM. END SUMMARY

1. THE JUNE 12 INTERNAL SECURITY DEBATE IN THE BUNDES-TAG WAS PRETTY MUCH A REHASH OF EARLIER ARGUMENTS. ALL THREE PARTIES REPRESENTED IN THE GERMAN PARLIAMENT AGREE THAT IMPROVEMENTS ARE NECESSARY IN THE GERMAN CRIMINAL LAW IN ORDER TO COPE WITH TERRORIST ACTIVITIES. THE DIFFERENCES BETWEEN THE CDU/CSU AND THE SOCIAL-LIBERAL COALITION BASICALLY ARE THAT THE CDU/CSU WOULD LIKE TO GO EVEN FURTHER THAN THE GOVERNMENT PROPOSES IN AMENDING THE GERMAN CRIMINAL LAW. THE OPPOSITION REPEATED ITS CHARGE THAT THE GOVERNMENT, PARTICULARLY THE SPD, HAS BEEN SOFT ON THE ISSUE IN THE PAST AND HAS NOT COME TO GRIPS WITH THE PROBLEM. JUSTICE MINISTER VOGEL (SPD) COUNTER-ATTACKED BY SAYING THAT THE OPPOSITION WANTED TO GIVE THE IMPRESSION THAT THE ENEMIES OF DEMOCRACY WERE TO BE FOUND WITHIN THE COALITION RATHER THAN THE TERRORISTS THEMSELVES.

2. THE GOVERNMENT'S DRAFT PROPOSAL FOR CHANGES IN THE CRIMINAL CODE INCLUDE THE INTRODUCTION OF "TERRORIST CONSPIRACY" AS A CRIME AND TO CREATE THE INSTITUTION OF STATE'S EVIDENCE (KRONZEUGE). UNDER PRESENT GERMAN LAW, PROSECUTORS CAN NEITHER REDUCE THE CHARGE NOR REFUSE TO PROSECUTE CRIMINAL SUSPECTS WHO TURN STATE'S EVIDENCE. THE GOVERNMENT BILL WOULD ALSO PROVIDE FOR MONITORING OF CONVERSATIONS BETWEEN ACCUSED TERRORISTS AND THEIR DEFENSE ATTORNEYS IN SPECIAL CASES, AND TO EXCLUDE FROM A CRIMINAL PROCEEDING DEFENSE COUNSEL WHO ARE INVOLVED IN ASSISTING THEIR CLIENTS IN A TERRORIST CONSPIRACY. THE

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COUNSEL WOULD BE PROHIBITED FROM DEFENDING OTHER CODE-  
FENDANTS IN THE SAME TRIAL AS WELL AS ACCUSED TERRORISTS  
IN OTHER PROCEEDINGS. THIS WOULD FORESTALL THE TACTICS  
USED BY THE BAADER-MEINHOF DEFENSE LAWYERS OF ATTEMPTING  
TO SWITCH CLIENTS WHEN THEY ARE PROHIBITED FROM DEFEND-  
ING A PARTICULAR CLIENT BECAUSE OF THEIR ACTIVITIES'  
THE GOVERNMENT BILL WOULD ALSO PROVIDE THE FEDERAL  
PROSECUTOR GENERAL WITH PRE-EMPTIVE JURISDICTION. THE  
LATTER POINT WOULD IMPROVE EFFICIENCY BY ENABLING THE  
LAENDER POLICE AND FEDERAL CRIMINAL POLICE TO DEAL WITH  
A SINGLE PROSECUTING OFFICE.

3. THERE REMAINS SIGNIFICANT OPPOSITION TO SOME OF  
THESE CHANGES WITHIN THE COALITION PARTIES. WHILE IN-  
TERIOR MINISTER MAIHOFFER EXPRESSED SORROW THAT THE NEED  
TO PROTECT THE STATE AGAINST TERRORIST ACTIVITIES MADE  
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IT NECESSARY TO SUPPORT SUCH CHANGES, OTHERS IN HIS  
PARTY AND IN THE SPD HAVE SECOND THOUGHTS. HOWEVER,  
THERE IS CONSIDERABLE PRESSURE ON THE GOVERNMENT TO DO  
SOMETHING LEST IT BE ACCUSED OF CONTINUED WEAKNESS IN  
FACING UP TO THE PROBLEM. WITHIN THE COALITION PARTIES  
IT IS LIKELY THAT THE LEADERSHIP WILL ARGUE THAT IT IS  
BETTER TO ACCEPT THE GOVERNMENT'S PROPOSED CHANGES IN  
THE CRIMINAL CODE THAN TO PERMIT PRESSURE TO BUILD UP  
IN FAVOR OF THE EVEN MORE HARSH PROPOSALS OF THE CDU/  
CSU.  
CASH

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